

REMARKS

This amendment is in response to the Office Action mailed March 16, 2004. Entry of the foregoing amendments is requested. The amendments are believed to place the subject matter of the application in condition for allowance or, in the alternative, in better condition for appeal. A Notice of Appeal is filed concurrently herewith, to preserve Applicant's rights.

Applicant's attorney thanks the Examiner for courtesy extended in a telephone interview on September 14, 2004. The foregoing amendment to claim 1 was generally discussed in that telephone interview, including consideration of the substance of the amendment as it relates to the rejection under *Vasudeva* U.S. Patent 6,105,770, as more fully discussed below.

The amendment to the specification is made to provide a written description of the position of the actuating member and receiving members shown in FIG. 3 of the drawings, namely, a storage position. The storage position is fully shown in FIG. 3, and the amendment merely provides written terminology describing to FIG. 3 for use as an antecedent basis. Because the storage position is shown in FIG. 3 and the amendment to the specification merely provides a written counterpart thereto, the proposed amendment to the specification does not introduce any new matter.

The matters raised in the numbered paragraphs of the Office Action will now be discussed in order.

With reference to paragraph 1, Applicant thanks the Examiner for entering the previous amendment in its entirety. The foregoing amendments set forth only claims currently being amended and added.

With reference to paragraph 2, claims 2 and 9-16 have previously been canceled, and claims 1, 3-8 and 17-25 are pending prior to the foregoing amendments. Claims 18 and 21 are canceled in the foregoing amendment, and claims 26-28 are added.

With reference to paragraph 3 regarding surrender of the original Letters Patent, submitted herewith is a Declaration of Vasudeva. Vasudeva is an Officer of the Assignee of the patent, and his Declaration establishes that the Assignee never received the original Letters Patent. The inventor Wei has informed the Assignee that he also cannot find the original Letters Patent, and his Declaration to that effect is expected shortly for filing. Thus, it appears the original Letters Patent has been lost.

With reference to paragraph 4, it requires a Supplemental Reissue Oath/Declaration. As discussed with the Examiner in the telephone interview of September 14, 2004, a Supplemental Declaration for this application should cover all the changes, including those proposed in this amendment but not yet entered into the application. Therefore, the requirement of a Supplemental Declaration is traversed pending approval of final amendments in the application, with the understanding that the requirement will be addressed in an *Ex parte Quayle* action following an indication of allowability.

With respect to paragraph 5 of the Office Action, Applicant is pleased to note that the Declaration of Vasudeva filed on January 20, 2004 and the Declaration of Wei filed on May 23, 2003 remove the *Vasudeva* Patent Nos. 5,803,254; 5,887,715; 6,105,767; and 6,105,770 as references under 35 U.S.C. 103.

With respect to paragraph 6 of the Office Action, claims 18 and 21 are canceled in the foregoing proposed amendments.

With respect to paragraph 7 of the Office Action, the foregoing proposed amendments to the claim are believed to obviate the rejections under 35 U.S.C. 112. Claim 1 is amended to better specify which pivotal connection is referred to in lines 10-11 and in lines 16-17, and “thereof” has been clarified with new language in line 17. Claim 21 has been canceled.

With respect to paragraphs 8 and 9 of the Office Action, claims 1 and claims 6-8 dependent therefrom are rejected under 35 U.S.C. 102(e) as being anticipated by *Vasudeva* 6,105,770 and particularly the embodiment as shown in FIG. 9 of *Vasudeva* '770. According to the discussion in the last paragraph of page 7 and continuing on page 8 of the Office Action, in the embodiment shown in FIG. 9 of the *Vasudeva* '770 patent, the front side of the receiving member is interpreted as being the corner projecting furthest from the back wall. Using that interpretation, claim 1 was rejected because the limitation that the pivotal connection between the receiving member and the side wall was located closer to the front side than to the rear side of the receiving member was met by *Vasudeva* '770 in the embodiment as shown in FIG. 9.

The foregoing amendments to claim 1 provide a storage position orientation of the receiving members and actuating member at a reference point for considering the position of the connection on the receiving members and actuating member. With the position of the receiving members and actuating member so defined, the *Vasudeva* '770 does not anticipate claim 1, and particularly does not do so in the embodiments as shown in FIG. 9 and 10. Accordingly, claim 1 as amended distinguishes over *Vasudeva* '770, thereby obviating the rejection.

The nature of these amendments and the reasons they are believed to distinguish over *Vasudeva* '770 were discussed in the telephone interview of September 14, 2004, with the understanding that applicant would provide amendments to claim 1 incorporating language defining the positions of the actuating and receiving members as a reference to the positions of the pivotal connections.

Claims 3-5 and 6-8 are dependent from claim 1 and therefore also now distinguish over *Vasudeva* '770.

With respect to paragraph 10 of the Office Action, Applicant appreciates the indication of allowable subject matter in claims 17-20 and 22-24. However, Applicant believes that the indication of allowable subject matter should also include pending claim 25, which is rejected only on the same basis as claims 17-24. As noted above, a Supplemental Reissue Declaration will be provided in response to an *Ex parte Quayle* action following acceptance of the foregoing amendments.

With respect to paragraph 11, Applicant appreciates the indication of allowance of claims 3-5. Claim 3 has been rewritten in independent form as new claim 26, and claims 4 and 5 have been added as new claims 27 and 28 dependent from new claim 26. The language in the previous amendment to claim 1 relating to the relative position of the pivotal connection on the receiving member was omitted, because it was not accepted as distinguishing over *Vasudeva* '770 and therefore appears not to be a limitation supporting the indication of allowable subject matter. As noted above, an appropriate Supplemental Reissue Declaration will be filed in response to an anticipated *Ex Parte Quayle* action.

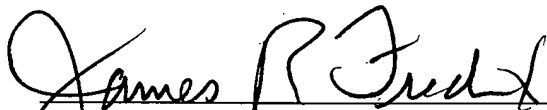
With respect to paragraphs 12-14 of the Office Action, they do not require response.

Accordingly, the foregoing amendment is believed to place this application either in condition for allowance or in better condition for appeal. Entry of the amendment and an indication of allowability and *Ex Parte Quayle* action are now earnestly solicited.

Respectfully submitted,

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Status of Claims and Support for Claim Changes

- Claim 1. Pending and now four times amended by clarifying location of pivot connections.
Support in original drawing and specification, as amended.
- Claim 2. Previously canceled.
- Claims 3-5. No changes.
- Claim 6. Previously amended.
- Claim 7. Previously amended.
- Claims 8. No changes.
- Claims 9-16. Previously canceled.
- Claim 17. Added with RCE, no further amendment.
- Claim 18. Now canceled.
- Claim 19. Added with RCE, no further amendment.
- Claim 20. Added with RCE, no further amendment.
- Claim 21. Now canceled.
- Claim 22. Added with RCE, no further amendment.
- Claim 23. Added with RCE, no further amendment.
- Claim 24. Added with RCE, no further amendment.
- Claim 25. Added with RCE, no further amendment.
- Claim 26. Newly added, rewrites claim 3 in independent form.
- Claim 27. Newly added, rewrites claim 4 to depend from newly added claim 26.
- Claim 28. Newly added, rewrites claim 5 to depend from newly added claim 26.